

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: L. Tran
LAGODZINSKI, ET AL.)	
	:	Group Art Unit: 3721
Application No.: 09/582,890)	
	:	Confirmation No. 3134
Filed: July 7, 2000)	
	:	
Patent No.: 6,824,035 B1)	
	:	
Issued: November 30, 2004)	
	:	
For: POWER OPERATED PISTON)	July 24, 2007
TOOL WITH PISTON	:	
AUTOMATIC RETURN)	

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR § 1.182
FOR ISSUANCE OF DUPLICATE LETTERS PATENT**

Sir:

In accordance with the May 23, 2007 Decision on Petition, Patentees respectfully request reconsideration of the January 23, 2006 petition under 37 CFR § 1.182 for the above-identified patent and ask that the USPTO issue a duplicate letters patent for U.S. Patent No. 6,824,035 B1 and mail it to the undersigned at the below-listed address.

FACTS

1. USPTO records reflect that the original letters patent were mailed on November 30, 2004. A review of the information for this patent in our docketing system informs us that we received the letters patent. However, after conducting a diligent search, we are unable to locate the letters patent.

2. Please send the duplicate letters patent to Patent Administrator, Katten Muchin Rosenman LLP, Customer No. 27160, East Lobby, Suite 700, 1025 Thomas Jefferson Street, Washington, D.C. 20007.

3. For the Examiner's convenience, attached please find a copy of the record from PAIR for U.S. Patent No. 6,719,491 B2 which indicates that the letters patent were mailed on April 13, 2004. Also, attached is a copy of the May 23, 2007 Decision on Petition.

RELIEF REQUESTED

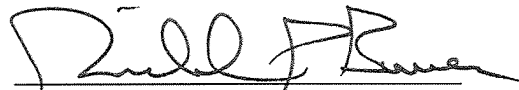
Patentees respectfully request that the USPTO issue a duplicate letters patent for U.S. Patent No. 6,824,035 B1 and mail it to the undersigned at the below-listed address.

FEE

The Commissioner is authorized to charge the \$270.00. \$130.00 was previously paid. The total petition fee required by 37 C.F.R. §§ 1.182 and 1.17(f) is \$400.00. The Commissioner is authorized to deduct \$270.00 from Deposit Account No. 50-1710 in connection with the filing of this paper. The Commissioner is also authorized to charge any additional fees or provide any refunds to the same Deposit Account.

Patentees' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard P. Bauer", written over a horizontal line.

Attorney for Applicants
Richard P. Bauer
Registration No. 31,588

PATENT ADMINISTRATOR
KATTEN MUCHIN ROSENMAN LLP
EAST LOBBY, SUITE 700
1025 THOMAS JEFFERSON STREET
WASHINGTON, D.C. 20007

09/582,890	POWER OPERATED PISTON TOOL WITH PISTON AUTOMATIC RETURN	07-24-2007::15:20:46
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Transaction History

Date	Transaction Description
05-23-2007	Petition Decision - Dismissed
01-23-2006	Petition Entered
11-30-2004	Recordation of Patent Grant Mailed
11-11-2004	Issue Notification Mailed
11-30-2004	Patent Issue Date Used in PTA Calculation
10-22-2004	Application Is Considered Ready for Issue
10-21-2004	Receipt into Pubs
09-09-2004	Issue Fee Payment Verified
09-09-2004	Applicant Has Filed a Verified Statement of Small Entity Status in Compliance with 37 CFR 1.27
10-08-2004	Receipt into Pubs
09-09-2004	Issue Fee Payment Received
06-23-2004	Receipt into Pubs
06-23-2004	Workflow - File Sent to Contractor
06-09-2004	Mail Notice of Allowance
06-08-2004	Notice of Allowance Data Verification Completed
05-27-2004	Mail Advisory Action (PTOL - 303)
05-26-2004	Advisory Action (PTOL-303)
05-06-2004	IFW TSS Processing by Tech Center Complete
05-06-2004	Date Forwarded to Examiner
04-29-2004	Amendment/Argument after Notice of Appeal
03-10-2004	Notice of Appeal Filed
03-04-2004	Request for Extension of Time - Granted
03-04-2004	Mail Advisory Action (PTOL - 303)
03-03-2004	Advisory Action (PTOL-303)
02-25-2004	Date Forwarded to Examiner
02-10-2004	Amendment after Final Rejection
02-10-2004	New or Additional Drawing Filed
02-10-2004	Request for Extension of Time - Granted
01-29-2004	Mail Advisory Action (PTOL - 303)
01-26-2004	Advisory Action (PTOL-303)
01-14-2004	Date Forwarded to Examiner
01-06-2004	Amendment after Final Rejection
01-06-2004	Request for Extension of Time - Granted
09-10-2003	Mail Final Rejection (PTOL - 326)
09-08-2003	Final Rejection
07-22-2003	Date Forwarded to Examiner
07-14-2003	Response after Non-Final Action
07-14-2003	Request for Extension of Time - Granted
06-23-2003	Examiner Interview Summary Record (PTOL - 413)
03-24-2003	Mail Non-Final Rejection
03-21-2003	Non-Final Rejection
02-24-2003	Information Disclosure Statement (IDS) Filed
02-24-2003	Information Disclosure Statement (IDS) Filed
02-12-2003	Case Docketed to Examiner in GAU
02-10-2003	Date Forwarded to Examiner

01-29-2003	Request for Continued Examination (RCE)
02-10-2003	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
01-29-2003	Request for Extension of Time - Granted
02-06-2003	Correspondence Address Change
01-29-2003	Workflow - Request for RCE - Begin
12-30-2002	Mail Advisory Action (PTOL - 303)
12-27-2002	Advisory Action (PTOL-303)
11-26-2002	Date Forwarded to Examiner
11-22-2002	Amendment after Final Rejection
11-26-2002	Correspondence Address Change
11-13-2002	Examiner Interview Summary Record (PTOL - 413)
11-06-2002	Correspondence Address Change
11-07-2002	Change in Power of Attorney (May Include Associate POA)
08-29-2002	Mail Final Rejection (PTOL - 326)
08-28-2002	Final Rejection
07-09-2002	Date Forwarded to Examiner
07-01-2002	Response after Non-Final Action
07-01-2002	Substitute Specification Filed
05-28-2002	Mail Notice of Informal or Non-Responsive Amendment
05-24-2002	Date Forwarded to Examiner
05-21-2002	Informal or Non-Responsive Amendment after Examiner Action
05-21-2002	Response after Non-Final Action
02-26-2002	Mail Notice of Restarted Response Period
02-26-2002	Letter Restarting Period for Response (i.e. Letter re: References)
02-21-2002	Correspondence Address Change
01-15-2002	Mail Non-Final Rejection
01-11-2002	Non-Final Rejection
12-19-2001	Case Docketed to Examiner in GAU
03-15-2001	Correspondence Address Change
02-16-2001	Correspondence Address Change
12-22-2000	Case Docketed to Examiner in GAU
07-07-2000	Preliminary Amendment
07-07-2000	Information Disclosure Statement (IDS) Filed
07-07-2000	Information Disclosure Statement (IDS) Filed
09-26-2000	Case Docketed to Examiner in GAU
08-24-2000	Application Dispatched from OIPE
08-22-2000	IFW Scan & PACR Auto Security Review
07-31-2000	Correspondence Address Change
07-28-2000	Released to OIPE
07-28-2000	Notice of DO/EO Acceptance Mailed
07-27-2000	371 Application Preexamination Docketing
07-27-2000	371 Application Preexamination Docketing
07-24-2000	371 Application Preexamination Docketing
07-07-2000	Receipt of 371 Request
07-24-2000	Correspondence Address Change
07-07-2000	Initial Exam Team nn

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www.uspto.gov

RICHARD BAUER, ESQ.
KATTEN MUCHIN ZAVIS ROSENMAN
525 WEST MONROE STREET
CHICAGO, IL 60661-3693

COPY MAILED

MAY 23 2007

OFFICE OF PETITIONS

In re Patent No. 6,824,035 :
Issue Date: November 30, 2004 :
Application No. 09/582,890 :
Filed: July 7, 2000 :
Attorney Docket No. N/A :

ON PETITION

DOCKETED	
CMID	310493 - 00001
Action Type	Request for Recon.
Due/Final Date	7/15/07
Atty	RPS
Sec	
Docketed by	CHE
Date	6/6/07

This is a decision on the petition under 37 CFR 1.182 filed January 23, 2006, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **DISMISSED**.

Petitioner states that the original Letters Patent was never received.

The Office follows the guidelines set forth in MPEP § 711.03(c) (*see also* "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993)), which sets forth that, in the absence of any irregularity in the mailing of an Office action (in this case, the Letters Patent), there is a strong presumption that the Office action (Letters Patent) was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Letters Patent was not in fact received. In this regard, the showing required to establish the failure to receive the Letters Patent must consist of the following:

1. a statement from practitioner stating that the Letters Patent was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Letters Patent was not received; and
3. a copy of the docket record where the non-received Letters Patent would have been entered had it been received must be attached to and referenced in the practitioner's statement.

The petition is not accompanied by the proper evidence required to establish non-receipt of the original Letters Patent. In this regard, the petition lacks item 3 above. Office records reflect that

the Letters Patent was mailed to the address of record at the time; namely, Richard Bauer, Esq.; Katten Muchin Zavis Rosenman; 525 West Monroe Street; Chicago, IL 60661-3693. The evidence submitted does not establish non-receipt of the Letters Patent at that address.

It is noted that petitioner submitted docket records for the above-noted patent. However, the docket records necessary to establish non-receipt must include a copy of the **list** of all papers received in the practitioner's office between November 30, 2004, the date the Letters Patents was mailed, and December 3, 2004, the date of receipt of the soft copies.

In view of the above, the petition for issuance of a duplicate Letters Patent under 37 CFR 1.181 cannot be granted.

If petitioner cannot submit the required evidence to establish non-receipt of the original Letters Patent or simply does not wish to, petitioner may request reconsideration of the petition under 37 CFR 1.182 requesting issuance of a duplicate Letters Patent and pay the remaining balance of \$270 (\$400 required petition fee - \$130 previously submitted).

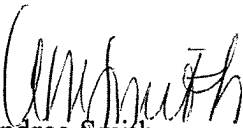
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions